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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

RUFAEL KEBEDE MULUGETA,

Plaintiff,

v.

WALGREEN CO, a foreign corporation;  
RADIENZ LIVING f/k/a U.S. NONWOVENS,  
Foreign LLC; NEW SPS POD LLC, d/b/a  
RADIENZ LIVING, a Foreign LLC; DOES I  
through X; and ROE CORPORATIONS II  
through X, inclusive,

Defendants.

WALGREEN CO,

Cross-Claimant,

v.

RADIENZ LIVING f/k/a U.S. NONWOVENS,  
Foreign LLC; NEW SPS POD, LLC dba  
RADIENZ LIVING, a Foreign LLC;

Cross-Defendants.

Case: 2:23-cv-00881-RFB-DJA

**SECOND UNOPPOSED MOTION TO  
CONTINUE THE TIME FOR  
DEFENDANT NEW SPS POD LLC TO  
RESPOND TO PLAINTIFF'S FIRST  
AMENDED COMPLAINT [ECF NO. 21]  
AND WALGREEN'S ANSWER TO  
COMPLAINT AND CROSS CLAIM  
[ECF NO. 23]**

1 Defendant New SPS Pod LLC ("New SPS Pod"), by and through counsel, Garman  
2 Turner Gordon LLP and Schulte Roth & Zabel LLP, hereby files this *Second Unopposed Motion*  
3 *to Continue the Time for Defendant New SPS Pod LLC to Respond to Plaintiff's First Amended*  
4 *Complaint [ECF NO. 21] and Walgreen's Answer to Complaint and Cross Claim [ECF NO. 23]*  
5 ("Motion") and states as follows in support. New SPS Pod has conferred with counsel for  
6 Plaintiff Rufael Kebede Mulugeta ("Plaintiff") and counsel for Defendant and Crossclaim-  
7 Plaintiff Walgreen Co. ("Walgreen"), and both Plaintiff and Walgreen consent to the extensions  
8 of time sought herein.

9 New SPS Pod seeks a two week extension of its time to respond to Plaintiff's First  
10 Amended Complaint ("Complaint") [ECF No. 21] and Walgreen's Answer to Complaint and  
11 Cross Claim ("Cross Claim") [ECF No. 23] so that the parties can have additional time to  
12 consider voluntarily withdrawing their claims against New SPS Pod without requiring New SPS  
13 Pod to incur the significant costs of briefing two motions to dismiss that ultimately will not need  
14 to be filed in the likely event that the claims are withdrawn. This would be the second extension  
15 of New SPS Pod's time to respond, with the Court having granted New SPS Pod's first extension  
16 request [ECF No. 30], which New SPS Pod filed two weeks after it first learned of the Action  
17 due to the failure of its registered agent to provide timely notification of the Complaint.

18 There is a good faith basis for the extensions because New SPS Pod has been working  
19 diligently to discuss with both Plaintiff and Walgreen why they should withdraw their claims  
20 against New SPS Pod. Over the course of several discussions with Plaintiff and Walgreen on the  
21 subject, both Plaintiff and Walgreen have indicated to New SPS Pod that they are likely to  
22 voluntarily withdraw the claims against New SPS Pod without prejudice. New SPS Pod is  
23 hopeful that a final agreement as to withdrawal can be reached in the next few business days.  
24 However, because New SPS Pod's deadline to respond to the Complaint and Cross Claim is  
25 April 1, 2024, if New SPS Pod is not granted another extension, New SPS Pod will have to incur  
26 significant resources to prepare its motions to dismiss, which only would need to be filed in the  
27 unlikely event that Plaintiff and Walgreen do not agree to withdraw their claims.

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1           Accordingly, New SPS Pod respectfully requests, and Plaintiff and Walgreen have each  
2 consented to such request, that its responses to Plaintiff's Complaint and Walgreen's Cross  
3 Claim be due no later than April 15, 2024.

4           Dated this 21<sup>st</sup> day of March 2024.

5           GARMAN TURNER GORDON LLP

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19           *Attorneys for Defendant/Cross-Defendant*  
20 *New SPS Pod LLC*

21           **ORDER**

22           IT IS SO ORDERED.

23             
24           \_\_\_\_\_  
25 UNITED STATES MAGISTRATE JUDGE  
26 DATED : 3/22/2024  
27  
28

**CERTIFICATE OF SERVICE**

The undersigned, an employee of Garman Turner Gordon LLP, hereby certifies that on March 21, 2024, she caused a copy of the foregoing **SECOND UNOPPOSED MOTION TO CONTINUE THE TIME FOR DEFENDANT NEW SPS POD LLC TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT [ECF NO. 21] AND WALGREEN'S ANSWER TO COMPLAINT AND CROSS CLAIM [ECF NO. 23]**, to be served electronically to all parties of interest through the Court's CM/ECF system.

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/s/ Tonya Binns

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